

REMARKS

In the Office Action of February 28, 2007, Claims 1 and 5-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn (German Patent No. DE 195 05 277) in view of Yang (U.S. Patent No. 4,349,123) and this was deemed a new ground of rejection.

With respect to Claims 1 and 5-7, it was said that Kohn, Figures 1-8, teaches a device having a winding up roller 10 a drive for the winding-up roller, a roll which is arranged on the winding-up roller and comprises at least one film web and stacks of bags arranged thereon,; the web is guided over a deflecting roller. Yang, Figures 1-7, was said to teach that the openings of the bags are arranged at the front, as seen in the unwinding direction. It said that it would have been obvious to one of ordinary skill in the art to provide the openings at the front, as taught by Yang, for bags wound on a roller as shown in Kohn.

With respect to Claim 8-9, which recited a distinguishing orientation of the bags relative to each other and to their openings, it was said that the method described in these claims would inherently result from the use of the device of Kohn in view of Yang as advanced above.

Claims 2-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn in view of Yang as applied to claims 1 and 5-9 above, and further in view of Honegger (U.S. Patent No. 4,688,368).

With respect to Claims 2-3, Kohn was also applied in view of Honegger, Figs. 1-5, which was cited as teaching that an imbrication is formed such that the leading edges of the bags are located beneath the respectively preceding bag stack. It was said that it would have been obvious to one of ordinary skill in the art to form the bag roll, as taught by Honegger, because one of ordinary skill would

have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

In response, the Applicant still believes the invention of claim 1 is not obvious in view of the cited references for the following reasons. It is first noted that in the device for storing bags according to the invention, it is not intended for a user to be aware of the location of the openings of the bag.

The newly cited reference of Yang, U.S. Pat. No. 4,349,123 shows plastic bags which are arranged in a series of interconnected plastic bags. The bags have, as can be seen from Fig. 2C, eight layers which are laying parallel to each other. The bags are parts of one continuous roll of plastic material. In order that single plastic bags can be produced this folded plastic foil has a sealing edge 21 and a perforated line 22 which allow the tearing of a bag from the series ones, see column 2 line 55 - 57.

Only the first bag has its opening at the front side, the other bags are not yet finished and have no opening. Furthermore, no person skilled in the art would come to the idea to wind the series of bags, see Fig. 3, on a winding up roller. Because the bags are interconnected to each other and have eight layers it would not be possible to wind them up. The edges running cross the lengthwise direction would displace themselves. That means no person of ordinary skill in the art would combine the teachings of these references to arrive at the claimed resulting arrangement.

Furthermore, the invention is concerned with the winding up of stacks of bags and Yang has no stacks, but only single bags which are arranged behind each other.

Honegger (US 4,688,368) has an overlapping of single products but not of stacks of products. Furthermore, this reference shows no roll for unwinding. The products are disassembled from the center of the roll, see Fig. 7.

Claim 5 has been cancelled without prejudice and its subject matter incorporated into claim 1.

Claim 1 now recites the feature in which the leading parts of the bags have been provided with spaced apart holes in a flap to be gripped by pins 11 which shall penetrate the leading parts of the bags.

Support for this amendment is found in paragraph 0014 of the specification and in original claim 5.

In addition new claim 10 is presented, which claims this feature in a method claim, wherein the bags have a front region adjacent their opening for gripping, said front region having a plurality of spaced apart holes for receiving pins of a gripping device; and wherein the gripping device has pins for engaging the bags through the holes for further movement of the bags.

#### CONCLUSION

In view of the Amendment and Remarks, reconsideration of the amended claims is respectfully requested.

After the Amendment and Remarks, claims 1-3 and 6-10 are still pending and a Notice of Allowance for these claims is earnestly solicited.

Respectfully submitted,

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